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HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6325 OF 2007.

Sher Jai Bahadur Bist. ..Petitioner.

V E R S U S

The Secretary & Others. ..Respondents.

Mr. Vineet Naik i/b M/s. Vyas & Bhalwal for the petitioner.

Mrs. Deepa Chavan i/b M/s. Little & Co., for the respondent no. 1 & 2.

Mr. R. D. Rane, G.P. for the State.

CORAM: S.B.MHASE & D.G.KARNIK, JJ.

DATE : OCTOBER 22, 2007.

P.C.

1. Heard learned counsel for the petitioner.
The respondent no.3 is a formal party.

2. By this petition the petitioner challenges the show cause notice dated 30th March 2007 as also the decision of the respondent no.1 - Board debarring the petitioner for appearing from the examination for two years on the ground of alleged malpractice in the examination.

3. Learned counsel for the respondent no.1

submits that since there appear to be some defects in the show cause notice dated 30th March 2007 and the enquiry conducted in pursuance thereof the respondent nos. 1 & 2 would withdraw the said show cause notice as well as the order passed debarring the petitioner from the examination for two years, and after issuing a fresh show cause notice and granting hearing to the petitioner, appropriate order will be passed. Counsel for the Respondent nos. 1 & 2 states that the fresh show cause notice will be issued within two weeks and decision thereon will be taken as expeditiously as possible preferably within three months from the receipt of the reply to the show cause notice. Statement is recorded and accepted.

4. In view of the statement made by the learned counsel for the respondent, show cause notice dated 30th March 2007 and all further proceedings and decisions taken in pursuance thereof are quashed and set aside with liberty to the respondent nos. 1 & 2 to issue fresh show cause notice to the petitioner and take an appropriate decision after granting opportunity of hearing to the petitioner.

(D.G.KARNIK, J.)

(S.B.MHASE, J.)